

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Dawn Brenner and Kathleen Brenner, as co-trustees
for the heirs and next of kin of Dylan Brenner,

Plaintiffs,

Case No. 18-cv-02383 (NEB/ECW)

v.

Danielle Sue Asfeld, in her individual capacity,
Amanda Nowell, in her individual capacity,
Christina Leonard, in her individual capacity,
Janell Hussain, in her individual capacity,
Todd Leonard, in his individual and official capacities,
Rebecca Lucar, in her individual capacity,
Denny Russell, in his individual capacity,
Wes Graves, in his individual capacity,
James Rourke, in his individual capacity,
MEnD Correctional Care, PLLC, and Sherburne County,

Defendants,

Declaration of Jeffrey S. Storms

I, Jeffrey S. Storms, solemnly affirm as follows:

1. I am over 18 years old, and I am one of Plaintiffs' attorneys in the above-captioned matter.

2. I make this Declaration in support of Plaintiffs' Motion to Compel Discovery and for Other Relief from MEnD Correctional Care, PLLC and Todd Leonard, M.D.

3. Attached hereto as Exhibit 1 is a true and correct copy of Plaintiffs' First

Set of Combined Requests for Production of Documents to the MEnD Defendants.

4. Attached hereto as Exhibit 2 is a true and correct copy of December 9, 2019 email correspondence between Plaintiffs' and the MEnD Defendants' counsel.

5. Attached hereto as Exhibit 3 is a true and correct copy of June 22, 2020 email correspondence between the MEnD Defendants' and Plaintiffs' counsel. The exhibit also contains a blown-up image of the item attached thereto for better readability.

6. I sent an email to defense counsel stating, in part, that Plaintiffs wished to conduct an inspection of Brenner's eMDs system, which was eventually scheduled for August 14, 2020.

7. Attached hereto as Exhibit 4 is a true and correct copy of August 12, 2020 email correspondence between the MEnD Defendants' and Plaintiffs' counsel.

8. The Severe and Moderate Warnings images were contained in the MEnD Defendants' August 12, 2020 production of documents via the link contained in Exhibit 4.

9. The inspection revealed that Brenner's eMDs file does **not** open with a sticky note obstructing the Health Summary screen, which reflected Brenner's current problem of a suicide risk. This was captured via video.

10. Attached hereto as Exhibit 5 is a true and correct copy of portions of August 26, 2020 and August 28, 2020 email correspondence between counsel for Plaintiffs and the MEnD Defendants. Other aspects of that email string have been excluded to protect the designation of confidential information in dispute.

11. Attached hereto as Exhibit 6 is a true and correct copy of an excerpt from

the deposition transcript of Diana VanDerBeek.

12. Attached hereto as Exhibit 7 is a true and correct copy of January 24, 2020 email correspondence from MEnD's counsel to Plaintiffs' counsel.

13. Attached hereto as Exhibit 8 is a true and correct copy of Plaintiffs' 2nd Amended Rule 30(b)(6) Notice to Defendant MEnD Correctional Care, PLLC.

14. Attached hereto as Exhibit 9 is a true and correct copy of the 30(b)(6) Transcript of Dr. Leonard as designee. Note that the filed redacted version does not contain the word index in order to more readily address the confidential designations.

15. Attached hereto as Exhibit 10 is a true and correct copy of an October 6, 2017 segregation notice for Dylan Brenner sent by Rebecca Lucar to Dr. Leonard and others.

16. Attached hereto as Exhibit 11, are true and correct copies of letters published at "Read the complaint letters filed after Beltrami County Jail inmate's death," StarTribune (July 11, 2020), available at <https://www.startribune.com/read-the-complaint-letters-filed-after-beltrami-county-jail-inmate-s-death/571728011/> (last accessed Aug. 31, 2020) (emphasis added).

17. Attached hereto as Exhibit 12 is a true and correct copy of a letter of intent from Secure Data.

18. Pursuant to Minn. Stat. § 358.116 and 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the State of Minnesota and the United States of America that the foregoing is true and correct and was executed in Hennepin County on August 31, 2020.

FURTHER YOUR DECLARANT SAYETH NAUGHT

NEWMARK STORMS DWORAK LLC

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